

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH S. HIRSCH,

Plaintiff,

MEMORANDUM & ORDER
08-CV-2660(JS)(AKT)

-against-

JOHN K. DESMOND, SUFFOLK COUNTY
PROBATION DEPARTMENT, CHRISTINA J.
GILSON, NANCY H. YOUNG, KAREN
BELLAMY, KATHERINE PERNAT,
and JOHN (JANE) DOE,

Defendants.

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APPEARANCES:

For Plaintiff: Joseph S. Hirsch, pro se
45 Belmont Avenue
Plainview, New York 11803

For Defendants: Toni E. Logue, Esq.
Assistant Attorney General
200 Old Country Road, Suite 240
Mineola, New York 11501

SEYBERT, District Judge:

On September 30, 2010, the Court issued an Order dismissing Defendants Bellamy, Pernat, and John Doe/Stephen Weber on qualified immunity grounds, all of whom were sued only as individuals. In response to the Court's Order, the "Suffolk County defendants" have requested permission to file an early summary judgment motion before the completion of discovery, apparently on the grounds that they "believe they too would be entitled to dismissal based upon a qualified immunity analysis." Docket No. 49 at 1.

From the record, it is unclear if Plaintiff has sued Defendants John K. Desmond, Christina J. Gilson, and Nancy J. Young in their official capacities, as individuals, or both. Consequently, before ruling on Defendants' request, the Court ORDERS Plaintiff to clarify, within fourteen (14) days, in what capacity or capacities he has sued these Defendants.

The Suffolk County Defendants are directed to serve a copy of this Order upon Plaintiff.

SO ORDERED

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Date: November 12, 2010
Central Islip, New York